

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Proposing rule making related to area agencies on aging and providing an opportunity for public comment

The Department on Aging hereby proposes to amend Chapter 4, “Department Planning Responsibilities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 17A.3 and 231.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 231.32.

Purpose and Summary

These proposed amendments satisfy the requirements of 2018 Iowa Acts, House File 2451, and eliminate unnecessary language from subrule 4.4(3) that currently exists in the federal Older Americans Act and Iowa Code chapter 231 regarding qualifications of an area agency on aging. In subrule 4.4(4), the amendments also update a citation to the Older Americans Act and Iowa Code chapter 231.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 6, 2019. Comments should be directed to:

Angela Van Pelt
Iowa Department on Aging
Jessie Parker Building
510 East 12th Street, Suite 2
Des Moines, Iowa 50319
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Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 4.4(3) as follows:

4.4(3) *Qualifications to serve.* Any entity applying for designation as an area agency on aging must have the capacity to perform all functions of an area agency on aging as outlined in the Older Americans Act and Iowa Code chapter 231. ~~An area agency on aging shall be any one of the following:~~

- ~~a. An established office of aging operating within a planning and service area;~~
- ~~b. Any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;~~
- ~~c. Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act only on behalf of such combination for such purpose;~~
- ~~d. Any public or nonprofit private agency in a planning and service area, or any separate organizational unit within such agency, which for designation purposes is under the supervision or direction of the department and which can and will engage only in the planning or provision of a broad range of supportive services or nutrition services within such planning and service area; or~~
- ~~e. Any other entity authorized by the Older Americans Act.~~

ITEM 2. Amend paragraph 4.4(4)“d” as follows:

~~d.~~ Any entity meeting the qualification requirements outlined in ~~subrule 4.4(3)~~ the Older Americans Act and Iowa Code chapter 231 may submit an application to serve as an area agency on aging.